

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS

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February 15, 2021

The City Council of the City of Gardner, Kansas met in regular session on February 15, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; City Engineer Tim McEldowney; Finance Director Matthew Wolff; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Commissioner Shirley Allenbrand, Johnson County Board of County Commissioners, District 6

Commissioner Shirley Allenbrand was unable to attend and will reschedule her presentation. Mayor Shute said there is an open invitation for any county commissioner if they wish to address the governing body.

PUBLIC HEARINGS

PUBLIC COMMENTS

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on February 1, 2021**
- 2. Standing approval of City expenditures prepared January 29, 2021 in the amount of \$940,350.10; and February 5, 2021 in the amount of \$563,554.85**
- 3. Consider authorizing the execution of an agreement with the KAW Valley Companies, Inc. to demolish and remove the former Gardner City Police Station**
- 4. Consider authorizing the execution of an agreement with the Kansas Department of Transportation to construct improvements for the US-56 Pavement Reconstruction project**
- 5. Consider authorizing the execution of an agreement with Hg Consult, Inc. to design the Center Street Sidewalks project**

Councilmember Gregorcyk asked to remove items 4 and 5 from the Consent Agenda.

Councilmember Winters made a motion to approve items 1-3 on the Consent Agenda.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 4, Consider authorizing the execution of an agreement with the Kansas Department of Transportation to construct improvements for the US-56 Pavement Reconstruction project

Councilmember Gregorcyk noted the math didn't add up. He asked staff to clarify Gardner's cost of \$2.1 Million. City Engineer McEldowney said there was additional money from Price Chopper Group. The \$3 million was just for KDOT's portion. They also received CARS money that offset the city's cost. Gregorcyk said there's \$1.1 Million in lieu of what the city is contributing. McEldowney said it was about \$400,000 from Price Chopper and

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\$700,000 from CARS. Mayor Shute said part of that is to offset the cost of installing a stop light since Price Chopper removed that from their TIF.

Councilmember Gregorcyk made a motion to approve Consent Agenda item 4, authorize the Mayor to execute an agreement with the Kansas Department of Transportation to construct the US-56 Pavement Reconstruction project.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 5, Consider authorizing the execution of an agreement with Hg Consult, Inc. to design the Center Street Sidewalks project

Councilmember Gregorcyk wanted to ensure the sidewalks will be ADA compliant. City Administrator Pruetting confirmed.

Councilmember Gregorcyk made a motion to approve Consent Agenda item 5, authorize the City Administrator to execute an agreement with Hg Consult, Inc. to design the Center Street Sidewalks project in an amount not to exceed \$75,068.08.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

- 1. Consider accepting the dedication of right-of-way and easements on the final plat for Lakes at Conestoga**
- 2. Consider accepting the dedication of right-of-way and easements on the final plat for Copper Springs Meadows 1st Plat**

Councilmember Winters made a motion to approve the Planning & Zoning Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

- 1. Consider applicants for City Council**

Mayor Steve Shute said Rich Melton resigned from the council January 19th. Following guidelines set forth by Charter Ordinance 27 and the Governing Body Rules of Procedure, the governing body began the process for filling the vacancy. The process included advertising in print and on social media. The application deadline was February 1 at 5pm. The process includes verification of qualified elector status, meaning they must be an elector living in the city limits of Gardner and be at least 18 years old with no felony convictions. Applications were received, and they are holding public interviews tonight. If there is a consensus, they will have a motion and vote to appoint an applicant. Shute summarized the interview process and interview questions. They release the names and applications of the applicants to the public. The interview questions are consistent and applied equally to all of the

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candidates. They receive the same time limits to respond, and allow for a limited follow up. The applicant is allowed a two-minute opening statement. They will be asked a standard set of questions and will be allowed two minutes for each responses. They may have follow up questions, and then will be allowed a one-minute closing statement. Shute said they will do a ranking of the candidates following the interviews. If, after the ranking, there is consensus of the majority for a specific candidate, that individual would be submitted for a vote of the governing body. The city attorney will verify the results of the ranking and provide them to the mayor. If there's no majority on a single candidate after the first round, they will announce the top 3. The top 3 would advance to a second round of ranking.

Councilmember Winters asked if they are ranking one as only their top candidate, or ranking all 1-6. Shute said the first round will be ranked 1-6. If the majority has the same candidate as their top choice, that will stop the process as they would reach consensus

The governing body conducted the interviews in alphabetical order. Those interviews can be found here: <https://www.youtube.com/watch?v=HMKK2rBtzds>

Shute said the next step is the ranking process. They will fill out the ranking sheet and the city clerk will collect them. City Clerk Rose will tally them and will give them to the city attorney to verify the results. City Attorney Denk will deliver the tally to the mayor, who will then read out the top three. If there is consensus, 3 out of 5, for a single candidate, that candidate can be brought forward for a vote.

Shute noted the candidate appointed will be sworn in this evening. However, the nomination to appoint a new council vice-president will take place at the March 1st meeting.

City Attorney Denk presented the verified ranking to Mayor Shute. Shute noted a consensus was achieved in the first round of ranking. Kacy Deaton received a 1 ranking from three members of the governing body. Shute summarized the ranking for the public. Deaton was 1, Tramble was 2, Cooper and Meder tied for 3.

Councilmember Baldwin made a motion to appoint Kacy Deaton to the City Council seat vacated by Rich Melton with a term expiring in November 2024.

Councilmember Winters Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (Roberts – No, Shute - Abstain)

City Clerk Rose administered the Oath of Office to Ms. Deaton.

Shute thanked all of the members who completed this process. He thanked them for their time, for their attention, and for their commitment for coming out this evening. He encouraged them to continue to stay involved. There is an election in the fall, and there is opportunity to run for office and assume a seat on the dais through candidacy. The city needs people like them to continue to work with the city and on behalf of the city.

COUNCIL UPDATES

Community Development Director Knopick said they will have an EDAC meeting in the next week. Planning Commission meets next Monday. They have a few items on the agenda.

Utilities Director Garcia reported that staff spoke with KMGa regarding the extreme cold weather. There are production and transportation issues with natural gas. Usually this time of year, the price for 1 million BTU is around \$3, this afternoon it was \$326. This not only creates a higher price to purchase natural gas, but the result is the generations are a lot higher. Typically, they buy energy for around \$23 per mWh, but now its \$2,900 per mWh. Typically for February, they pay \$700,000 for the month, but now it's going to be around \$3 Million. Shute asked if this is affecting those around us. Garcia confirmed. Shute noted the Evergy rolling blackouts as an attempt to lower their demand. Garcia doesn't expect to be affected in that way. Councilmember Gregorcyk asked how this relates to the residents of Gardner. Garcia said it would be passed to the consumer. Mayor Shute said it would be through the Power Cost Adjustment (PCA). Gregorcyk asked what kind of communication the city will put out. City Administrator Pruetting said staff spoke at length this afternoon and decided to put out a notice.

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Rather than guessing how much this will affect the end user, they will wait until they get the numbers and can provide them. Staff will work with citizens to make sure that people can keep their power on. When Evergy announced, staff was getting information about it. Because Gardner wasn't impacted, it took staff time to get a notice out. They were verifying so as not to put out inaccurate information. Councilmember Winters asked if the PCA would be split over 12 months and not all at once. Pruetting confirmed, and said they can make it 13 months. There are ways to minimize the impact. Shute said they can get out the communication campaign to conserve energy to minimize the effect on the grid. The less they buy from the grid, the less they will pay across the board. Hard to ask with the extreme temperatures. Gregorcyk asked if they will roll out information on conservation. Pruetting confirmed they will put out a list. He received an email from KMEA that this was the first time in their history that demand was higher than their ability to generate. Shute said an issue is the KMEA plant in Dogwood is a natural gas fired plant, and natural gas is also used for home heating, so there's a squeeze in supply. This is a very cold snap that's affecting a large geographic heavily populated area across the country. Gregorcyk will share the message and hopes the rest of them do the same.

Mayor Shute asked Director Garcia about water plant expansion. Garcia reported they should see substantial completion by April.

Finance Director Wolff said he will bring 2020 year-end results to next meeting. Mayor Shute asked if there will be any discussion on the potential impact of the additional costs on the electric fund? Wolff confirmed.

Councilmember Roberts thanked the candidates for putting their names out there. That takes courage. It was nice to have everyone come and answer publicly.

Councilmember Gregorcyk welcomed Councilmember Deaton to the dais. He has high hopes and she has a fair amount of time to make a positive impact. Gregorcyk noted the new smart water meters the city has installed are creating a freeze on the water line. The smart meters are creating less insulation or less fit, and creating freezing for some residents. Councilmember Roberts saw that it was an issue during the change-out process, while the ground is open. Garcia will follow up tomorrow.

Councilmember Baldwin said he is eager to see several of the candidates apply for other boards and committees. To come before council and the public takes a lot and shows they are already leaders. Mayor Shute said there is an opening on the Planning Commission, based on Councilmember Deaton's appointment. Baldwin said while it's not great across the board for energy, this is a great time for the city to have its own utility. If there was an outage, the city has a sub-10 minute response time and the outages are very short, we have a sub 10 minute response time, and outages are short. KCPL has an hour to mobilize. Six residents in Spring Hill lost power at 2:34pm, and by 5:35, no one had responded. The city can't do anything about the price, but its good to have a responsive crew. The service is top notch.

Councilmember Deaton thanked everyone for their support. She looks forward to serving the citizens of Gardner.

Councilmember Winters welcomed Councilmember Deaton; he looks ward to working with her.

Mayor Shute said he was glad to see all the candidates tonight. It was great to hear their ideas and passion, and commitment to come out in this weather. Shute said to the staff in Public Works, Superintendent Jody Demaline, they have done a great job with regard to the roads. He thanked the crews. He thanked facilities staff, Building Maintenance Supervisor Dean Kerr, for shoveling every hour. He thanked the staff for their commitment to the citizens. City Engineer McEldowney will pass the message along to PW staff. They have had some difficult storms to manage.

EXECUTIVE SESSION

- 1. Consider entering into executive session to discuss matters of attorney-client privilege related to a proposed development project**

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Councilmember Baldwin made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(2), to discuss matters of attorney-client privilege related to a proposed development project beginning at 8:30 pm; returning to regular session at 9:00 pm.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Gregorcyk made a motion to resume regular session at 9:00 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Deaton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(2), to discuss matters of attorney-client privilege related to a proposed development project beginning at 9:01 pm; returning to regular session at 9:11 pm.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Gregorcyk made a motion to resume regular session at 9:11 p.m.;

Councilmember Deaton seconded.

2. Consider entering into executive session to discuss matters of attorney-client privilege related to the Big Bull Creek Wastewater Treatment Plant contract

Councilmember Roberts made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(2), to discuss matters of attorney-client privilege regarding the Big Bull Creek Wastewater Treatment Plant contract beginning at 9:12 pm; returning to regular session at 9:32 pm.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Deaton made a motion to resume regular session at 9:32 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Roberts and seconded by Councilmember Deaton the meeting adjourned at 9:32 p.m.

City Clerk

City of Gardner, KS

Council Actions

February 15, 2021

The City Council took the following actions at the February 15, 2021, meeting:

1. Approved the minutes as written for the regular meeting on February 1, 2021. (Passed unanimously)
2. Approved City expenditures prepared January 29, 2021 in the amount of \$940,350.10; and February 5, 2021 in the amount of \$563,554.85. (Passed unanimously)
3. Authorized the City Administrator to execute an agreement with the KAW Valley Companies, Inc. to demolish and remove the former Gardner Police Station, in the amount of \$62,000, and authorize related change orders up to an additional amount not to exceed \$6,200. (Passed unanimously)
4. Authorized the Mayor to execute an agreement with the Kansas Department of Transportation to construct the US-56 Pavement Reconstruction project. (Passed unanimously)
5. Authorized the City Administrator to execute an agreement with Hg Consult, Inc. to design the Center Street Sidewalks project in an amount not to exceed \$75,068.08. (Passed unanimously)
6. Accepted the dedication of right-of-way and easements on the final plat for Lakes of Conestoga (FP20-11). (Passed unanimously)
7. Accepted the dedication of right-of-way and easements on the final plat for Copper Springs Meadows, 1st Plat (FP-20-14). (Passed unanimously)
8. Appointed Kacy Deaton to the City Council seat vacated by Rich Melton with a term expiring in November 2024. (Passed 3-1, 1 abstention)
9. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege related to a proposed development project for 30 minutes. (Passed unanimously)
10. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege related to a proposed development project for 10 minutes. (Passed unanimously)
11. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege regarding the Big Bull Creek Wastewater Treatment Plant contract for 20 minutes. (Passed unanimously)